IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 10377 of 2000

Between:

Shaik Sayeedullah, S/o. Shaik Abdullah,
R/o. 23-33-1 Solidierpet, Visakhapatnam.

..... PETITIONER

AND

1 The Divisional Engineer, (Assessments) A.P.Transco, Visakhapatnam.
2 The Superintending Engineer, (Assessments), A.P.Transco, P.W.D.Grounds, Vijayawada,Krishna District.
3 The Assistant Divisional Engineer (Operation), A.P.Transco, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to reconnect the Electricity supply for the service No.4508 at D.No.25-8-136/3, Opp. S.B.I. Main Branch, Visakhapatnam declaring the action of the respondents in disconnecting the Electricity supply to service No.4508 is illegal, arbitrary high handed and art 19(1)(g) of the Constitution of India.

Counsel for the Petitioner: MR.S.V.R.SUBRAHMANYAM

Counsel for the Respondents: Sri N.Subba Reddy, learned senior counsel for SMT.M.VINOBHA DEVI, S.C. for A.P. Transco.

The Court made the following :

O R D E R :

Heard the learned counsel for the petitioner and Sri N.Subba Reddy, learned senior counsel appearing on behalf of the respondsents.

The petitioner, who is doing business in electrical repairs, seeks to assail the impugned action on the part of the respondents in making demand of Rs. 36,414/- having regard to the irregularities found during the inspection conducted on 07.11.1997 wherein it was found that meter terminal cover along with seal was kept aside which amounts to pilferage of energy. Though several questions are sought to be raised on behalf of the petitioner and also the fact remains that criminal case in C.C. No. 590 of 1998 lodged in this regard was ended in acquittal on 10.09.1999, in view of the serious irregularities as found, where there is a clear case of pilferage, I do not find any justification in any of the contentions urged on behalf of the petitioner. However, taking into account the totality of the circumstances and also the long lapse of time from the date of inspection, it would suffice in the interest of justice to reduce the assessed amount by 20%.

The Writ Petition is, accordingly, partly allowed reducing the assessed amount from Rs. 36,414/- to Rs. 29, 141/-. No costs.

It is needless to mention that any amounts already paid by the petitioner shall be given credit to the amount assessed now. The petitioner shall deposit the amount due within a period of eight weeks from today.

(B.Prakash Rao, J.)

27.01.2005

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice,

On Thursday, the twenty seventh day of January two thousand and five.

… Registrar

Copy to:

1 The Divisional Engineer, (Assessments), A.P.Transco, Visakhapatnam.
2 The Superintending Engineer, (Assessments), A.P.Transco, P.W.D.Grounds, Vijayawada,Krishna District.
3 The Assistant Divisional Engineer (Operation), A.P.Transco, Visakhapatnam.

4 Two CD copies.

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